

HOUSE BILL No. 1282

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-13-1.

Synopsis: Dental hygiene practice. Amends the definition of "prescriptive supervision" for purposes of the practice of dental hygiene. Provides that a dental hygienist may not use a laser that cuts hard or soft tissue to provide treatment to a patient. Requires that if a dental hygienist practices under the prescriptive supervision of a licensed dentist, the dentist's written authority must be recorded, signed, and dated in the patient's records.

Effective: July 1, 2015.

Frizzell, Shackelford

January 13, 2015, read first time and referred to Committee on Public Health.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1282

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-13-1-2, AS AMENDED BY P.L.68-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 2. As used in this article:
4 (a) "Dental hygienist" means one who is especially educated and
5 trained in the science and art of maintaining the dental health of the
6 individual or community through prophylactic or preventive measures
7 applied to the teeth and adjacent structures.
8 (b) "License" means the license to practice dental hygiene issued by
9 the state board of dentistry to dental hygienist candidates who
10 satisfactorily pass the board's examinations.
11 (c) "Board" means the state board of dentistry established by
12 IC 25-14-1.
13 (d) "Proprietor dentist" means a licensed dentist who is the owner
14 and operator of the dental office in which the licensed dentist practices
15 the profession of dentistry and who employs at least one (1) licensed



dentist or dental hygienist to supplement the licensed dentist's operation and conduct of the licensed dentist's dental office.

(e) "Employer dentist" means a proprietor dentist who employs at least one (1) dental hygienist to supplement the proprietor dentist's dental service to the proprietor dentist's clientele.

(f) "Referral" means a recommendation that a patient seek further dental care from a licensed dentist, but not a specific dentist.

(g) "Screening" means to identify and assess the health of the hard or soft tissues of the human oral cavity.

(h) "Public health setting" means a location, including a mobile health care vehicle, where the public is invited for health care, information, and services by a program sponsored or endorsed by a governmental entity or charitable organization.

(i) "Direct supervision" means that a licensed dentist is physically present in the facility when patient care is provided by the dental hygienist.

(j) "Prescriptive supervision" means that a licensed dentist is not required to be physically present in the facility when patient care is provided by the dental hygienist if:

(1) the dental hygienist has completed, **with at least an average of twenty (20) hours per week**, at least two (2) years of active practice as a dental hygienist under the direct supervision of a licensed dentist;

(2) a licensed dentist:

(A) has:

(i) in a dental office setting, provided the patient with a comprehensive oral examination and any appropriate care in the previous seven (7) months; and

(ii) issued written authority for the **specific** care to be provided in a dental office; and

(iii) notified the patient that the licensed dentist will not be present when the dental hygienist is providing the patient care; or

(B) has:

(i) in a setting other than a dental office, provided the patient with a comprehensive oral examination; and

(ii) issued to the patient, on the same day the licensed dentist provided the patient with a comprehensive oral examination, a written prescription **for the specific care to be provided** that is valid for forty-five (45) days; and

(3) the patient has provided a current medical history.

Nothing in subdivisions (2)(A)(i) or (2)(B)(i) prohibits a dental



1 hygienist from providing patient care before the licensed dentist
 2 provides the comprehensive oral examination if the licensed dentist
 3 provides the comprehensive oral examination on the same day that the
 4 dental hygienist has provided the patient care.

5 (k) "Licensed dentist" refers to a dentist licensed under IC 25-14.

6 SECTION 2. IC 25-13-1-10, AS AMENDED BY P.L.68-2014,
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2015]: Sec. 10. (a) A licensed dental hygienist may practice
 9 dental hygiene in Indiana in the following:

10 (1) A dental office, clinical setting, or health facility where the
 11 dental hygienist is practicing under the direct supervision or
 12 prescriptive supervision of a licensed dentist.

13 (2) A dental school or dental hygiene school to teach and
 14 demonstrate the practice of dental hygiene if direct supervision by
 15 a licensed dentist is provided for training on providing local
 16 anesthetics by injection.

17 (3) The dental clinic of any public, parochial, or private school or
 18 other institution supported by public or private funds in which the
 19 licensee is employed by the state department of health or any
 20 county or city board of health or board of education or school
 21 trustee or parochial authority or the governing body of any private
 22 school where the dental hygienist is practicing under the direct or
 23 prescriptive supervision of a licensed dentist.

24 (4) The dental clinic of a bona fide hospital, sanitarium, or
 25 charitable institution duly established and being operated under
 26 the laws of Indiana in which the licensee is employed by the
 27 directors or governing board of such hospital, sanitarium, or
 28 institution. However, such practice must be under the direct or
 29 prescriptive supervision at all times of a licensed dentist who is
 30 a staff member of the hospital or sanitarium or a member of the
 31 governing board of the institution.

32 (5) A:

33 (A) fixed charitable dental care clinic;

34 (B) public health setting;

35 (C) correctional institution; or

36 (D) location other than one described in clauses (A) through
 37 (C);

38 that has been approved by the board and where the dental
 39 hygienist is under the direct or prescriptive supervision of a
 40 licensed dentist.

41 (b) A licensed dental hygienist may provide without supervision the
 42 following:



1 (1) Dental hygiene instruction and in-service training without
2 restriction on location.

3 (2) Screening and referrals for any person in a public health
4 setting.

5 (c) A dental hygienist may not use a laser **that cuts hard or soft**
6 **tissue** to provide treatment to a patient.

7 (d) The board may adopt rules under IC 4-22-2 concerning
8 subsection (a)(5)(D).

9 (e) **If a dental hygienist practices under the prescriptive**
10 **supervision of a licensed dentist, the dentist's written authority**
11 **must be recorded, signed, and dated in the patient's records.**

12 ~~(e)~~ **(f)** Before October 1, 2017, the board, with assistance from the
13 professional licensing agency, shall report to the legislative council in
14 an electronic format under IC 5-14-6 on the effectiveness of the
15 prescriptive supervision laws and rules and any changes that are
16 needed in the law concerning prescriptive supervision. This subsection
17 expires December 31, 2017.

